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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,043	11/17/2003	George H. Blume	043251.0018	2784

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DENNIS W. GILSTAD  
3522 HUNTERS SOUND  
SAN ANTONIO, TX 78230

EXAMINER

BUECHNER, PATRICK M

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/715,043

Applicant(s)

BLUME, GEORGE H.

Examiner

Patrick M Buechner

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

2. All references of record in parent application 10/223,304 have been considered. However, since applicant has failed to list the patents on a form PTO-1449, they will not be printed on the face of any patent issuing from this application. Should applicant wish these references to be printed, a form PTO-1449 listing those references should be provided.

### ***Specification***

3. The abstract of the disclosure is objected to because it is longer than 150 words. Correction is required. See MPEP § 608.01(b).

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

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F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-4 and 6-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 6, 8 and 9 of U.S. Patent No. 6,679,477 in view of Johnson (US 5,088,521).

Regarding claims 1-4 of the instant application, Claim 1 of U.S. Patent No. 6,679,477 discloses a two-part valve body with symmetric portions, a cylindrical web joining the two portions creating a hollow valve body and a seal retention groove with a serration in the groove.

Claim 1 of U.S. Patent No. 6,679,477 does not disclose the valve is for a full open seat or the second guide portion is a crowfoot guide.

Claim 2 of U.S. Patent No. 6,679,477 discloses the serration is an as forged surface.

Claim 3 of U.S. Patent No. 6,679,477 discloses the serration is an as machined surface.

Johnson teaches a mud valve for a full open seat valve with a second guide portion as a crowfoot guide (88).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the open seat valve and crowfoot guide of Johnson to the valve of U.S. Patent No. 6,679,477 in order to provide legs to slidably engage the inner surface of the open seat similar to prior art seats (Johnson column 4, lines 42-49).

Regarding claims 6-9 of the instant application, Claim 6 of U.S. Patent No. 6,679,477 discloses a two-part valve body with symmetric portions, a cylindrical web joining the two portions creating a hollow valve body and a seal retention groove including a serration and one of the guide stems has a fluid passage communicating with the hollow to outside the valve body.

Claim 6 of U.S. Patent No. 6,679,477 does not disclose the valve is for a full open seat or the second guide portion is a crowfoot guide or that the fluid passage must be in the upper guide portion.

Claim 8 of U.S. Patent No. 6,679,477 discloses an elastomeric seal in the seal retention groove and the longitudinal passage is plugged.

Claim 9 of U.S. Patent No. 6,679,477 discloses welding flash protrudes from the cylindrical web into the seal retention groove.

Johnson teaches a mud valve for a full open seat valve with a second guide portion as a crowfoot guide (88).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the open seat valve and crowfoot guide of Johnson to the valve of U.S. Patent No. 6,679,477 in order to provide legs to slidably engage the inner surface of the open seat similar to prior art seats (Johnson column 4, lines 42-49). Providing the crowfoot guide as the second guide portion would inherently require the longitudinal flow passage of claim 6 and 8 of U.S. Patent No. 6,679,477 to be in the upper guide portion.

6. Claims 5 and 10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 6 and 10 of U.S. Patent No. 6,679,477 in view of Johnson, as discussed above in 5, and further in view of Gifford (US 3,090,596).

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Regarding claim 5 of the instant application, claims 1 and 5 of U.S. Patent No. 6,679,477 in view of Johnson disclose all the limitations discussed above in 5 and further including and elastomeric seal cured in place in the seal retention groove.

Claims 1 and 5 of U.S. Patent No. 6,679,477 in view of Johnson does not disclose the seal is cured without a bonding agent.

Gifford teaches curing a seal in a seal retention portion without using a bonding agent (column 2, lines 65-69.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide claims 1 and 5 of U.S. Patent No. 6,679,477 in view of Johnson with the non-bonding agent taught by Gifford in order to relieve tensions due to shrinkage (column 3, lines 1-2).

Regarding claim 10 of the instant application, claims 6 and 10 of U.S. Patent No. 6,679,477 disclose all the limitations discussed above in 5 and further including and elastomeric seal cured in place in the seal retention groove.

Claims 6 and 10 of U.S. Patent No. 6,679,477 in view of Johnson does not disclose the seal is cured without a bonding agent.

Gifford teaches curing a seal in a seal retention portion without using a bonding agent (column 2, lines 65-69.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to provide claims 6 and 10 of U.S. Patent No. 6,679,477 in view of Johnson with the non-bonding agent taught by Gifford in order to relieve tensions due to shrinkage (column 3, lines 1-2).

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blume (US 6,435,475), Miser (US 5,480,163), Blume (US 5,249,600), Johnson (US 4,951,707) and Akeyson (US 1,705,800).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick M Buechner whose telephone number is (571) 272-4923. The examiner can normally be reached on 6:30am-5:00pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
PB

  
MICHAEL MAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700